

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

MAILED

JUN 17 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SHINSUKE HENMI, KYOUHEI YAMAMOTO
and TOSHINORI TANAKA

Application No. 09/695,840

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on May 11, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

There is no proper indication on the record that the conference was held. In accordance with MPEP § 1208 regarding appeal conferences:

On the examiner's answer, below the primary examiner's signature, the word "Conferees" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

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In the instant application only one conferee has initialed the Examiner's Answer.

Appropriate correction is required.

An Information Disclosure Statement (IDS) was filed July 30, 2003. It is not apparent from the record that the examiner properly considered the IDS submitted nor notified appellants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

ORDERED that the application is returned to the Examiner to 1) hold an appeal conference, 2) notify appellants in writing that the appeal conference was held, 3) consider the July 30, 2003 IDS, 4) notify appellants in writing regarding the result of the examiner's consideration, and 5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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